

04-67 BRIDEWELL, ET AL. V. TEXAS WORKERS INSURANCE FUND

QUESTIONS PRESENTED

1. Did the Supreme Court of Texas violate the Zellars' right to "due process of law" and "equal protection of the law," guaranteed by Amend. 14, Sec. 1, U. S. Constitution, and "right to a jury trial," guaranteed by the U. S. Const., in affirming the opinion of the 14th Court of Appeals reversing the trial court's judgment awarding the Zellars benefits in this workman's compensation death case, based upon the claim that the trial court abused its discretion in failing to instruct the jury as to "all of the following exceptions to Sec. 401.011(12), Labor Code, where the undisputed evidence and Rule 11 stipulations established, as a matter of law, that Zellars died as a result of accidental injuries due to carbon monoxide when he tried to recharge his battery on his truck while returning home from his out-of-town duties for his employer?"
2. Did the Supreme Court of Texas violate the Zellars' right to "due process of law" and "equal protection of the law," guaranteed by Amend. 14, Sec. 1, U. S. Const., and "right to a jury trial," guaranteed by the U. S. Const., based upon the claim that the trial court erred in instructing the jury on the question of "course and scope of employment on all of the exceptions to Sec. 401.011(12), Labor Code," because the Rule 11 stipulations were contractual and could not be disputed on appeal by Respondent and the appellate courts were "bound by the stipulations and undisputed evidence"?
3. Did the Supreme Court of Texas violate the Zellars' right to "due process of law" and "equal protection of the law," guaranteed by Amend. 14, Sec. 1, U. S. Const., and "right to a jury trial," guaranteed by the U. S. Const., based upon the claim that the trial court erred in instructing the jury on the question of "course and scope of employment on all of the exceptions to Sec. 401.011(12), Labor Code," where Respondent requested the instructions "en masse" and some of the instructions were established by the Rule 11 stipulations or undisputed evidence as a matter of law?
4. Did the Supreme Court of Texas violate the Zellars' right to "due process of law" and "equal protection of the law", guaranteed by Amend. 14, Sec. 1, U. S. Const., and "right to a jury trial," guaranteed by the U. S. Const., in affirming the opinion of the 14th Court of Appeals reversing the trial court's judgment under the jury verdict based upon the claim that it was error to refuse to submit all of the exceptions to travel listed in Sec. 401.011(12), Labor Code, where the trial court submitted the exact charge submitted by Respondent in an "en masse" group of factual matters"?
5. Did the Supreme Court of Texas violate the Zellars' right to "due

process of law" and "equal protection of the law", guaranteed by Amend. 14, Sec. 1, U. S. Const., and "right to a Jury trial," guaranteed by the U. S. Const., in affirming the opinion of the 14th court of Appeals reversing the trial court's judgment, since the Respondent (a) filed only a "general denial," (b) failed to file the instruction with the district clerk, (c) failed to bring the refused instruction to the appellate court in the appellant transcript, and (d) brought the refused instruction to the appellate court only as an "exhibit in Respondent's brief"?